BRITISH COLUMBIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

* *

No. 13.

An Act to regulate Elections of Members of the Legislature of this Colony.

[22*nd March*, 1871.

Preamble.

WHEREAS by a Proclamation, bearing date the 13th day of October, 1870, and issued by the Governor of this Colony, under and by virtue of the powers and authorities conferred upon him by the "British Columbia Act, 1870," and by the Order of Her Majesty in Council, bearing date the 9th day of August, 1870, made in pursuance of the said Act, certain provisions (amongst other things) were made as to the Regulation of Elections of Members of the Legislative Council;

And, whereas, it is desirable to amend the Law as established by the said Proclamation, by making other and further provisions as to the Regulation of the Elections of Members of the Legislature;

Be it therefore enacted by the Governor and Council, with the advice and consent of the Legislative Council, as follows:

Governor in Council to appoint a Returning Officer for each Electoral District.

1. It shall be lawful for the Governor in Council, from time to time, to appoint a fit and proper person to be the Returning Officer of each Electoral District, and to cause such appointment to be notified in the *Government Gazette*; and from time to time, in his discretion, to revoke any such appointment and remove any person so appointed, and to appoint another Returning Officer in the stead of the person so removed, or whose appointment is so revoked. Provided that nothing in this Act, or in any other Law in force in this Colony, shall be construed to exclude any Returning Officer from being elected a Member for any District, except that for which he shall at such Election act as Returning Officer, provided he be not under any other disqualification. Provided, also, that nothing in this Act, or in any other Law in force in this Colony contained, shall prevent the Governor in Council from appointing the Registrar of Voters for the District to be the Returning Officer of such District.

Persons disqualified as Returning Officers, &c.

2. None of the persons hereinafter designated in this Section shall in any case be appointed to act as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say, neither—

The Members of the Executive Council;

Nor the Members of the Legislature;

Nor any Minister of any Religious Denomination, whatever may be his title, rank, or designation;

Nor the Judges of the Supreme Court.

3. If

Penalty on parties disqualified acting as such.

3. If any one of the persons mentioned in the preceding Section acts as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of One Hundred Dollars.

Persons exempted.

4. None of the persons hereinafter mentioned in this Section shall be obliged to act as Returning Officer or Deputy Returning Officer, or as Election Clerk or Poll Clerk, that is to say—

Physicians and Surgeons;

Postmasters;

Or, Persons being 60 years of age and upwards.

Penalty for refusing to serve.

5. Every person appointed to act as Returning Officer who resides in the District for which he has been appointed, or who has accepted the appointment of Returning Officer for any District, who refuses to perform the duty of Returning Officer in such District at any such Election as aforesaid, after having received the Writ of Election, shall for such refusal incur a penalty of One Hundred Dollars, such person not being disqualified as aforesaid, and not being incapacitated by sickness or by being a Candidate at such Election, or if, having a right to claim the exemption granted by the next preceding Section, has not in fact claimed such exemption immediately after such appointment has been conferred upon him.

Writs of Election to be addressed to Returning Officers, and Return day to be mentioned therein.

6. Whenever a Writ of Election is issued for the Election of a Member to serve in the Legislature of this Colony, the same shall be addressed and directed to the Returning Officer for the Electoral District so appointed as aforesaid, and in every such Writ shall be mentioned the day on which such Writ shall be returnable.

Form of Writ of Election.

7. The Writs of Election shall be in the following form:—

"VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof, in Europe, Asia, Africa, America, and Australasia, Queen Defender of the Faith.

"*To the Returning Officer of the Electoral District of*

"Whereas [*here mention briefly the occasion requiring the Election.*] We therefore command you, firmly enjoining that having first made Proclamation in the said Electoral District of immediately after the receipt of this Our Writ, and thereby notified (giving not less than eight days' notice thereof) a day and place for Electing a Member to serve for the said Electoral District of , you cause on the said day and place a Member of the Legislative Council, the most fit and discreet, to be freely and indifferently chosen to represent the said Electoral District of in Our Legislative Council, by those present at the day of Election, to be fixed by such Proclamation as aforesaid, and the name of such Member so chosen you cause to be returned by your Certificate, annexed to this Our Writ, and cause the person so chosen as aforesaid to come to the said Legislative Council, so that the said Member may have full and sufficient power for himself and the commonalty of the said Electoral District of , severally from them to do and consent to those things which then and there, by the favor of God, shall happen to be ordained by the Common Council of Our said Colony upon the said affairs, so that for default of such Powers, or through Improvident Election of such Member, the said affairs remain not undone in any way, and that you Certify, on or before the day of , unto us in to Our Supreme Court at the City of Victoria, the Election so made, distinctly and openly, under your Seal, duly endorsed upon this Our Writ.

"In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Colony of British Columbia. Witness at Our Government House, at Victoria, the day of , in the Year of Our Lord One thousand eight hundred and

"By Command.

"A. B.,

"Registrar of the Supreme Court."

Governor in Council may appoint places for nomination, and

8. It shall be lawful for the Governor in Council from time to time to appoint by Proclamation the place for the nomination of Candidates

Candidates in each Electoral District, and to appoint any additional polling places within any Electoral District, or within any Polling Division of any Electoral District, for the purpose of taking the poll at any contested Election.

additional polling places at contested Elections.

9. Each Returning Officer shall on receiving the Writ of Election forthwith endorse thereon the date of his so receiving it, in the following terms:—

Returning Officer to endorse on Writ date of receipt.

"Received the within Writ on the day of 18 .
"A. B.,
"Returning Officer."

Form of endorsement;

And immediately after his so receiving such Writ as aforesaid, he shall, by a Proclamation under his hand, state the place, day, and hour at which he will proceed to hold the Election.

and shall by Proclamation state place, day, and hour of Election.

10. The Proclamation shall be in the following form:—

Form of Proclamation.

"BRITISH COLUMBIA.

"PROCLAMATION.

"*Electoral District of*
"TO WIT. }

"Public Notice is hereby given to the Electors of the District of that, in obedience to Her Majesty's Writ to me directed, and bearing date the day of , in the Year of Our Lord One thousand eight hundred and , I require the presence of the said Electors at [*this must be the place fixed by the Governor in Council for the nomination of Candidates*], on the day of , at o'clock in the noon, for the purpose of Electing a person [*or persons, as the case may be*] to represent them in the Legislature of this Colony; and that in case a Poll be demanded and allowed in the manner by law prescrib d, such Poll will be opened on the day of , at [*here mention the different places at which a Poll is to be opened and kept*], of all which every person is hereby required to take notice and govern himself accordingly.

"Given under my hand at the day of , One thousand eight hundred and .

"(Signature) A. B.
"Returning Officer."

11. The Returning Officer shall cause the said Proclamation to be posted up on the outside of the outer door of the principal Court House in his District, and in such other public place or places in his District, and in every Polling Division of his District as may be used for the purpose of publishing notices under the provisions of "The Qualification and Registration of Voters' Act, 1871," at least eight days before the day which by such Proclamation he has fixed for holding the said Election, which day so fixed shall be called the Nomination Day.

Returning Officer to publish Proclamation at least eight days before the nomination day.

12. In and by the Proclamation aforesaid, the Returning Officer shall also fix the day on which, in case a poll be demanded and granted as hereinafter provided, such poll shall be opened in conformity to this Act, in his Electoral District or in each Polling Division of his District (as the case may be) for taking and recording the Votes of the Electors according to Law.

Returning Officer in Proclamation to fix polling day.

13. If in any case it happens that there is no place at which, under the provisions of this Act, the poll ought to be held, then the Returning Officer shall himself appoint the place or places in his District, or in each Polling Division of his District, selecting such as he deems most central and convenient for the majority of the Electors.

Returning Officer may appoint polling place in certain cases.

14. Neither the day of nomination, nor that of the publishing of such Proclamation, shall be included within the said eight days.

How the eight days to be reckoned.

15. Any Returning Officer refusing or neglecting to cause such Proclamation to be published as herein required, shall for such neglect or refusal incur a penalty of One Hundred Dollars; but no Election shall be invalidated by reason that it shall not have been affixed in every place and for the full time hereinbefore required for the publication thereof.

Penalty on Returning Officer refusing or neglecting to publish Proclamation.

Election not to be invalidated by imperfect publication.

16. Each

Returning Officer to make declaration.

16. Each Returning Officer shall, before the nomination day, make the following Declaration, in the presence of at least two of the Electors of the District, who shall attach their signatures to such Declaration as witnesses, and shall annex the same to his Return to the Writ of Election :—

Form.

"I, the undersigned Returning Officer for the Electoral District of , do solemnly declare that I will act faithfully in the capacity of Returning Officer, without partiality, fear, favor, or affection.

"Dated this day of 18 .

"(Signature) A. B.,

"Witnesses: "Returning Officer."

Penalty on omission.

And any Returning Officer who omits or neglects to make and subscribe the said Declaration, or to annex it to his Return, shall for such omission or default incur a penalty of Fifty Dollars.

Returning Officer to appoint an Election Clerk.

17. Each Returning Officer shall, before the nomination day, appoint by a Commission under his hand, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer; and such Commission may be in the following form :—

Form of Commission.

"To E. F. [*set forth his name, profession, trade, or calling, and residence.*]

"Know you that, in my capacity of Returning Officer for the Electoral District of , I have appointed and do hereby appoint you to be Election Clerk, to act in that capacity according to law, at the approaching Election for this District.

"Given under my hand, at this day of the month of , in the year

"(Signature) A. B.,

"Returning Officer."

Election Clerk to take an oath of office.

18. Such Election Clerk shall take and subscribe, either before some Justice of the Peace for the District in which he resides, or before the said Returning Officer, the following oath; and the Justice of the Peace or Returning Officer before whom such oath is taken, shall subscribe his name thereto, in the following form :—

Form.

"I, the undersigned E. F., appointed Election Clerk for the Electoral District of do solemnly swear (or if he be one of the persons permitted by law to affirm, do solemnly affirm) that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favor, or affection. So help me God.

"(Signature) E. F.,

"Election Clerk.

"Sworn before me this day of 18 . } "G. H., J. P.

"or Returning Officer."

Penalty on persons refusing to perform the duty, or take oath.

19. Any person so appointed as Election Clerk who refuses to accept the said office, or, who having accepted such office, refuses or neglects to take and subscribe the said oath hereby above required of him, shall for such refusal or neglect incur a penalty of Twenty-five Dollars.

Another Election Clerk may be appointed in certain cases.

20. The Returning Officer may, either before or after the nomination day, appoint in the manner above mentioned another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness, or absence of any Election Clerk previously appointed, or of his refusal or neglect to act or otherwise; and such new Election Clerk so appointed shall perform all the duties and comply with all the obligations of his office, under the same penalty, in case of refusal or neglect on his part, as is hereinbefore imposed in like cases.

Duty of Election Clerk in case the Returning Officer is unable to perform the duties of his office.

21. Whenever any Returning Officer becomes unable to perform the duties of his office, whether by death, illness, absence, or otherwise, the Election Clerk so by him appointed as aforesaid shall, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed, in like cases, on the Returning Officer, act

act as and shall be Returning Officer for the said Election, and shall perform all the duties and obligations of that office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new oath for that purpose; and in any such case the Election Clerk shall annex to his Return to the Writ of Election the said oath so taken by him as aforesaid as Election Clerk.

Oath to be annexed to return in such case.

22. Every Returning Officer shall at the time and place stated by him in the Proclamation hereinbefore mentioned, proceed to the hustings (which shall be held in the open air, at such place as that all the Electors may have free access thereto), and shall there make or cause to be made, in the presence of the Electors there assembled at the hustings, the following Proclamation; and shall then and there read or cause to be read publicly the Writ of Election; and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said Legislative Council, in obedience to the said Writ of Election:—

Proceedings of Returning Officer on nomination day.

"Oyez! Oyez! Oyez!
"All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read."

Form of Proclamation.

23. If the Candidates, or their respective agents, and the Electors then and their present, upon a show of hands, agree in the choice to be so made of the person or persons to represent the said Electors as aforesaid; and if, after such show of hands, a poll be not demanded in the manner hereinafter mentioned, the Returning Officer shall forthwith close the Election, and shall then and there openly proclaim the person or persons so chosen to be duly elected a Member or Members, to represent in the Legislature the Electoral District for which such Election is had.

If no poll be demanded.

24. Any Elector present, or any Candidate, either in person or by his agent may demand a poll.

Any Elector, Candidate, or Agent may demand a poll.

25. If a poll be demanded then the Returning Officer shall grant such poll for taking and recording the Votes of the Electors in the manner hereinafter prescribed; and when at any such Election a poll is demanded as aforesaid, if the Returning Officer refuses or neglects to grant the same, the Election shall be *ipso facto* null, and such Returning Officer shall for such refusal or neglect incur a penalty of Five Hundred Dollars.

If a poll be demanded.

Penalty for not granting.

26. Any person authorized in writing may act as Agent of a Candidate during the continuance of the Election.

Agent authorized in writing may act for Candidate.

27. At any Election as aforesaid, in the absence of any person authorized in writing to act as agent for any absent Candidate, any Elector in the interest of such Candidate may, at any time during the Election, declare himself to be and may act as the agent of any such Candidate, without producing any special authority in writing for that purpose.

Provision as to agent of absent Candidate.

28. Any person who at any time, either during the Election, or before the Election, is employed at such Election, or in reference thereto, or for the purpose of forwarding the same by any Candidate, or by any person whomsoever, as Counsel, Agent, Attorney, or Clerk at any polling place at such Election, or in any other capacity whatever, and who has received or expects to receive, either before, during, or after the said Election, from any Candidate, or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place, or employment, or any promise, pledge, or security whatsoever, for any sum of money, fee, office, place, or employment, shall be incompetent to vote at such Election, and his vote, if given, shall be null and void; and such person shall further incur, for having so voted, a penalty of Fifty Dollars.

No paid Agent, Attorney, Counsel, &c. of any Candidate to vote at the Election.

Penalty for so doing.

29. Any Candidate before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following Declaration:

Candidate to make declaration, if required.

"I,

Form.

"I, A. B., do hereby most solemnly and sincerely declare that I am duly registered on the Register of Voters for the Electoral District of for this year, and that I have resided in this Colony for the space of Twelve Months, and that I am not, to the best of my belief, in any way disqualified for Election.

"Dated this day of 18 .

"A. B.

"Taken and acknowledged before me this day of 18 . }

"C. D., J. P.

"or Returning Officer."

False declaration a misdemeanor.

30. If any such person shall knowingly and wilfully make a false Declaration he shall be deemed to be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by Law are incurred by persons guilty of wilful and corrupt perjury, in the place in which such false Declaration shall have been made.

Declaration may be voluntarily made.

31. Any person may, with a view to his becoming a Candidate at any Election of a Member of the Legislature make at any time, after the date of the Writ of Election, voluntarily and without waiting to be required so to do, the Declaration lastly hereinbefore mentioned; and any such Declaration so made voluntarily as aforesaid, shall to all intents and purposes have the same force and effect as if it had been made after his being thereunto required according to Law.

In what cases only a Candidate may be called upon to make declaration.

32. No such Declaration, when any Candidate is required to make the same by any other Candidate, or by any Elector, or by the Returning Officer, in the manner hereinbefore provided, need be so made by such Candidate, unless the same has been personally required of him on or before the day of nomination of Candidates at such Election, and before a poll has been granted, and unless he has not already made the same voluntarily as hereinbefore provided, and not in any other case; and when any such Declaration has been so required according to Law, the Candidate called upon to make the same, may do so at any time during such Election; provided it be made before the Proclamation to be made by the Returning Officer at the close of the Election, of the person or persons Elected at such Election.

At what time it may be made, if required.

Before whom it may be made, and how attested.

33. When such Declaration is so made by any Candidate, whether voluntarily, or in consequence of his being thereunto so required as aforesaid, it shall be made either before the Returning Officer, or before some Justice of the Peace, and such Returning Officer or Justice of the Peace shall take the same, and shall attest it by writing at the foot thereof, the words "taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation.

Returning Officer to certify the delivery to him of the declaration under a penalty of $200.

34. Any Candidate who delivers or causes to be delivered such Declaration so made and attested to the Returning Officer, at any time before the Proclamation made by him at the closing of the Election as hereinbefore mentioned, shall be deemed to have complied with the Law to all intents and purposes as regards such Declaration; and any Returning Officer thereunto so required, shall be bound under a penalty of Two hundred Dollars, in case of refusal to give forthwith after such Declaration is delivered to him, to the Candidate or other person who has delivered the same, an acknowledgment under his hand of the delivery of such Declaration; and every such Declaration shall, for all the purposes of such Election, be deemed to have been made on the day on which it has been so delivered to the Returning Officer, either by the Candidate, or by any person on his behalf, whatever be the date of its receipt or of its attestation; and the possession of such Declaration shall be *prima facie* evidence of the possessor having been authorized by the Candidate to deliver it to the Returning Officer.

What shall be deemed the date of any such declaration, and who may deliver it to the Returning Officer.

Day of opening the poll to be proclaimed from the hustings.

35. When at any Election for any Electoral District, a poll has been granted, the Returning Officer immediately after having granted such poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously stated in his first Proclamation, and the place or places at which the poll shall be so opened, in his District or in each Polling Division of his District (as the case may be) for the purpose of then and there taking and recording the Votes of the Electors according to Law.

Poll not to be held on certain days.

To be same day for each division of a District.

36. The day to be proclaimed by the Returning Officer for opening the poll, shall not be a Sunday, Good Friday, or Christmas day. Such day shall be the same for each division of a District, and the poll shall be opened and held in all places in such District on that day only.

37. At

37. At each Election, the Electors shall vote at the polling place so opened and kept in the Polling Division (if any) within the limits whereof the property shall lie upon which they shall respectively claim the right of voting at such Election, and where they have been registered, and not at any other polling place; and if any Elector votes at any other polling place, he shall thereby incur a penalty of Twenty-five Dollars, and his vote if given shall be null and void.

At what polling place each Elector shall vote.

38. No person shall vote in more than one polling place in any District though he shall be possessed of distinct qualifications in several Polling Divisions of such District; and if any Elector shall vote at more than one polling place in any one Electoral District, he shall thereby incur a penalty of Fifty Dollars, and all the votes given by him shall be null and void.

No person to vote in more than one polling place. Penalty.

39. The poll shall be held if demanded, if possible, within Fourteen days after the nomination day; at every poll, the voting shall commence at eight o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, unless adjourned, as hereinafter provided, by reason of riot or other interruption, and every Elector may vote for any number of Candidates not exceeding the number of Members then to be chosen.

Poll to be held, if possible, within 14 days after nomination day, between 8 a.m. and 4 p.m.

40. The Returning Officer shall cause rooms to be hired (if necessary) at every polling place within his District, in accordance with the instructions (if any) received by him from the Governor in Council.

Returning Officer may hire rooms.

41. Such rooms may be divided into compartments, and if so divided, there shall be affixed over the entrance of each compartment certain letters (the entire letters of the alphabet being divided according to the number of compartments of the polling place), and no Elector shall be permitted to poll in any compartment, unless his surname shall commence with one of the letters which shall be so fixed over the entrance of such compartment.

If divided into compartments, such compartments to be alphabetically arranged.

42. The Returning Officer shall preside at the principal polling place in his District where the nomination of Candidates has been held (or at the nearest polling place thereto), and the Election Clerk shall act as Poll Clerk (or one of the Poll Clerks) at such principal polling place, and the polling book shall be made up as is hereinafter mentioned.

Returning Officer to preside at principal polling place.

43. For the purpose of taking the Votes at any such Election, the Returning Officer shall, by a Commission under his hand, appoint a Deputy Returning Officer for each Polling Division of a District, or for each separate polling place where such Returning Officer is himself personally unable to attend; and such Commission may be in the following form:—

Returning Officer to appoint a Deputy.

Form of Commission.

"To G. H. [*insert his title and address*]

"Know you that in my capacity of Returning Officer for the Electoral District of , I have appointed and do hereby appoint you to be Deputy Returning Officer [*or one of the Deputy Returning Officers, as the fact is*] for the Electoral District of , [*or for the Polling Division of the District of*] to take and record the votes of the Electors at , in the said District [*or in the said Polling Division.*]

"Given under my hand this day of 18 .

"(Signature) A. B.
"Returning Officer."

44. Each Deputy Returning Officer shall, before acting as such, subscribe the following Declaration, in the presence of not less than two Electors of the District, who shall attach their signatures to such Declaration as witnesses:—

Deputy Returning Officer to make declaration.

Form.

"I, the undersigned G. H., appointed Deputy Returning Officer for the District of , do solemnly declare that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favor, or affection.

"Dated this day of 18 .

"Signature, G. H.,
"Deputy Returning Officer.

"Witnesses:
"J. K.
"S. M."

45. Any person so appointed a Deputy Returning Officer, who refuses to accept the said office, or who, after having accepted the same, refuses or

Penalty on persons refusing to perform the duty, or to make declaration.

or neglects either to take and subscribe the said Declaration hereby required of him, or to perform the duties of a Deputy Returning Officer, shall for such neglect or refusal incur a penalty of Twenty-five Dollars.

Returning Officer may appoint another Deputy, in certain cases.

46. The Returning Officer may appoint, in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness, or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity or otherwise; and such new Deputy Returning Officer so appointed shall perform all the duties and obligations of the said office, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed in like cases.

Returning Officer to issue his warrant for holding the poll, &c. to each of his Deputies.

47. The Returning Officer shall, by a warrant under his hand, addressed to each of the Deputy Returning Officers by him appointed as aforesaid, require such Deputy Returning Officer to open and hold the poll according to Law, at the time and place fixed as hereinbefore provided and set forth in his said warrant, in the Polling Division of the District for which such Deputy has been so appointed, or at the polling place where such Deputy is required to act, and to take and record at such poll, in a book which such Deputy shall keep or cause to be kept for that purpose, the Votes of the Electors voting at the said poll, and to return to him the said Poll Book signed with his hand, and sealed with his seal, immediately after the close of the poll. Such Warrant may be in the following form:—

Form of Warrant.

"District of

"*To G. H., Deputy Returning Officer for the District of*

"Whereas, by Her Majesty's Writ to me directed, and bearing date the day of , 18 , I am commanded to hold an Election of Member to represent the Electoral District of in the Legislative Council of this Colony; and whereas a poll having been demanded, was granted by me according to Law. These are, therefore, to authorize and require you to open and hold the poll of such Election at on the day of , 18 , at 8 o'clock in the forenoon, and there to keep the said poll open until 4 o'clock in the afternoon, and to take and record at the said polling place, in a Book which you shall keep for that purpose, the Votes of the Electors voting at the said polling place, and to return to me the said Poll Book, signed with your hand, and sealed with your seal, together with this Warrant, immediately after the close of the poll.

"Given under my hand, at this day of 18 .

"(Signature) A. B.,

"Returning Officer."

And such Poll Book shall be made up as follows:—

Form of Poll Book.

No.	Names of the Voters.	Their profession, trade, or calling.	Their place of residence.	Objections.	Sworn	Voters refusing to take the oath.	Name of person voted for.

Returning Officer, on receipt of writ, to furnish his Deputies with Register of Voters.

48. Every Returning Officer upon receiving a Writ to hold any Election for a Member to serve in the Legislature shall furnish every Deputy Returning Officer, Election Clerk, and Poll Clerk with a copy of the Register of Voters relating to the Polling Division of the District or polling place for which he is appointed Deputy Returning Officer, which copy shall be certified under the hand of the Registrar of Voters for the District; and such certified copies shall be furnished by the Registrar of Voters for the District, according to the requisition made to him in that behalf by such Returning Officer.

Returning Officer and Deputy may appoint Poll Clerks by Commission.

Oath to be taken.

49. The Returning Officer for the principal polling place at which he presides, in addition to the Election Clerk, and every Deputy Returning Officer, may, by a Commission under his hand appoint a Poll Clerk or Poll Clerks to assist him in taking the Poll according to Law, and each Poll Clerk appointed as aforesaid, shall before acting as Poll Clerk, take and subscribe, either before a Justice of the Peace for the District in which he resides, or before the Returning Officer, or such Deputy Returning Officer, the oath hereinafter set forth, which Commission may be in the following form:—

"*To*

"*To J. K.*, [*insert his profession, trade, or calling, and residence.*]

"Know you, that in my capacity of Deputy Returning Officer [*or one of the Deputy Returning Officers, or Returning Officer, as the fact is*] for , I have appointed and do hereby appoint you to be Poll Clerk for

"Given under my hand at this day of the month of , in the year

"Signature, G. H.,
"Returning Officer or Deputy Returning Officer."

Form of Commission.

And which Oath may be as follows:—

"I, the undersigned J. J., appointed Poll Clerk for in the of , do solemnly swear [*or if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm*], that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such, according to law, without partiality, fear, favour, or affection. So help me God.

"Signature, J. J.,
Poll Clerk."

"Sworn before me this day of 18 .
"C. D., J. P.
"or Returning Officer or Deputy Returning Officer."

Form of Oath.

50. Any person so appointed a Poll Clerk, who refuses to accept the said Office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a Poll Clerk, or any Election Clerk who neglects or refuses to perform the duties of a Poll Clerk, shall for such neglect or refusal incur a penalty of Twenty-five Dollars.

Penalty on persons refusing to perform the duty, or to take the oath.

51. Each Poll Clerk shall at the polling place for which he is appointed, aid and assist in the performance of the duties of his office the Returning Officer or Deputy Returning Officer appointed to open and keep the Poll at such place in conformity to this Act, and shall obey the orders of the said Returning Officer or Deputy Returning Officer.

Duty of the Poll Clerk.

52. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence, or otherwise, and if in any such case no other Deputy Returning Officer duly appointed by the Returning Officer in the place of the former appears at the polling place, then such Poll Clerk, or if more than one, the Poll Clerk who has first received his appointment shall (under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer) act at such poll as Deputy Returning Officer, and perform all the duties and obligations of that office in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose.

To perform the duty of Deputy Returning Officer in certain cases.

53. Whenever any Poll Clerk, in the case hereinbefore provided acts as Deputy Returning Officer, he may appoint, by a Commission under his hand another person as Poll Clerk to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such person the oath hereinbefore required of a Poll Clerk, and the Poll Clerk so appointed shall have the same duties and obligations as if he had been appointed Poll Clerk by the Deputy Returning Officer himself.

In such case he may appoint another Poll Clerk.

54. Whenever any Poll Clerk, appointed under the requirements of this Act, refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence or other cause, the Returning Officer or Deputy Returning Officer whose Poll Clerk he was may appoint, by a Commission under his hand, another person as Clerk at the said polling place to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath hereinbefore required of a Poll Clerk.

Returning Officer or his Deputy may appoint another Poll Clerk in certain cases.

55. No Registrar or Collector of Voters, and no Deputy Returning Officer, Election Clerk, or Poll Clerk shall be entitled to vote at any Election of a Member or Members of the Legislature in the Electoral District for which they are so respectively appointed as aforesaid; and any vote given by any such person shall be null, and he shall be liable to a penalty of Fifty Dollars.

No Registrar, Collector, Deputy Returning Officer, &c., entitled to vote in his District.
Penalty.

56. Each Returning Officer and Deputy Returning Officer shall write, in full, at the head of each page of the Poll Book used by him, the number of such page, and certify the same by his signature as follows:

"Page number one (or two as the case may be) A. B., Returning Officer or Deputy Returning Officer, and he shall certify in full words at the foot thereof

Each Returning Officer and Deputy to certify each Page of the Poll Book.

thereof (before entering any name or vote in the next succeeding page) the first and last name, and the total number of names entered thereon, and shall then sign the same, which certificate shall be to the effect following:

"I certify that the total number of names entered on this page as of "Voters is whereof the first name is C. D., and the last name "is E. F.,"

"Signed, A. B.,
"Returning Officer or Deputy Returning Officer."

How votes to be recorded.

57. Each Returning Officer or Deputy Returning Officer shall, at the polling place kept by him in conformity to this Act, record or cause to be recorded in such Poll Book as aforesaid, and in the order in which they shall be given, the votes of the Electors voting at such polling place, by entering therein the name, surname, profession, trade, or calling, and residence of each Elector so voting; and when any Elector has taken the oath required of him by this Act, the Returning Officer or Deputy Returning Officer shall state in the Poll Book that such oath was taken by the Elector, by entering after the name of such Elector in the proper column in the said Poll Book, the word "sworn" and nothing more.

As to Electors sworn.

Votes objected to, how to be distinguished in Poll Book.

58. In every case where the vote of any person is objected to by any Candidate or his Agent, the Returning Officer or Deputy Returning Officer shall enter the objection in his Poll Book, by writing after the name of the Voter in the column for objections, the words "objected to" only, mentioning at the same time by which Candidate, or on behalf of what Candidate, the objection has been made by adding after the words "objected to," the name only of such Candidate.

Persons on the Register of Voters to be allowed to vote on taking a certain oath, if required.

59. The Returning Officer or Deputy Returning Officer at any Election of a Member of the Legislature in any part of this Colony, shall receive the vote of any person whose name he finds in the Register of Voters furnished to him or in his possession as aforesaid; provided that such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Returning Officer or Deputy Returning Officer himself, take the following Oath or Affirmation, which such Deputy Returning Officer is hereby empowered to administer:—

Form of Oath.

"You swear (or solemnly affirm) that you are [*name of the Voter as "entered on the Register*] whose name is entered on the copy Register "of Voters now shewn to you (showing the copy Register to the Voter); "that you have not before voted at this Election within this District, either "at this or any other polling place, and that you have not received any-"thing, nor has anything been promised to you, either directly or in-"directly, in order to induce you vote at this Election. "So help you "God."

And no other oath or affirmation shall be required of any person whose name is entered on any Register of Voters as aforesaid.

Returning Officer and Deputy Returning Officer must swear Voters in certain cases.

60. When any Returning Officer or Deputy Returning Officer has reason to know or believe that frauds and violence are being practised, in violation of the rights of Electors by which undue votes are tendered, or that any Voter is not qualified, or has already voted at the said Election and offers to vote again, or tenders his vote under a false name or designation, or personates, or represents himself falsely as being on the Register of Voters, such Returning Officer or Deputy Returning Officer shall administer the oath lastly hereinbefore mentioned to such Voter, whether he be required to do so or not by any party, of which mention shall be made in the Poll Book.

Penalty for voting without taking oath when required.

61. If any Voter votes at any such Election without having previously taken such oath or made such affirmation, when he has been thereunto required by one of the Candidates or his Agent, such Voter shall incur a penalty of Fifty Dollars.

Refusal of Voter to take the required oath to be entered on Poll Book.

Vote not to be taken; if taken to be null, and Officer to incur a penalty.

62. When any such Voter has been so required by the Returning Officer or the Deputy Returning Officer, or by any of the Candidates or by the Agent of any Candidate, to take such oath or make such affirmation, and refuses to take or make the same, his refusal shall be stated by the Returning Officer or Deputy Returning Officer in his Poll Book, by entering after the name of such Voter the word "refused," and in every such case the vote shall not be taken or recorded in the said Poll Book; and if any vote is in any such case taken and recorded, it shall be *ipso facto* null and void, and the Returning Officer or Deputy Returning Officer shall for having taken and recorded the same, or for having caused it to be taken and recorded in his said Poll Book, incur a penalty of Fifty Dollars.

Interpreter may be employed and sworn when Voter does not understand English.

63. Whenever any Elector does not understand the English language, the Returning Officer or Deputy Returning Officer may make use of an Interpreter to translate the oath or affirmation required of such Elector; and such Interpreter shall take before the said Returning Officer or Deputy Returning Officer the

the oath (or if he be one of the persons permitted by Law to affirm in civil cases) the affirmation following:—

"I swear (or affirm) that I will faithfully translate such oaths, declar- "ations, and affirmations, as the Returning Officer or Deputy Returning "Officer shall require me to translate at this Election. So help me God." Oath.

64. In case no such Interpreter can be found, such Elector shall not be permitted to vote, and an entry thereof shall be made in the Poll Book. If no Interpreter, Elector not to vote.

65. The Returning Officer or Deputy Returning Officer shall, at the close of the poll, certify under his signature on the said Book, in full words, the true state of the votes at such close, to the effect following:— State of the poll to be certified at the close.

"I certify that the number of the votes polled at the close of the poll "at this polling place, is (the total number of votes polled) whereof "G. H. a Candidate has polled ; J. K. a Candidate has polled ; "and L. M. a Candidate has polled (as the case may be)." Form.

"Signed A.B.,

"Returning Officer or Deputy Returning Officer."

of which state of the votes he shall publish a certified copy by posting the same in some conspicuous place at such polling place, before leaving the polling place for that day. To be published.

66. No Returning Officer or Deputy Returning Officer shall grant, make, or enter into any scrutiny of the votes given at any Election. Officers not to grant, make, or enter into any scrutiny.

67. If at the Election of a Member to serve in the Legislature any person knowingly personates and falsely assumes to vote in the name of any other person whose name appears on the proper Register of Voters, whether such other person be living or dead, or if the name of the said other person be the name of a fictitious person, every such person shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable to a fine not exceeding Two Hundred Dollars, or to be imprisoned for a term not exceeding six months. Punishment for falsely personating a Voter on the Register.

68. The Returning Officer or Deputy Returning Officer shall, if he has reason to suspect that any person is personating, or attempting, or about to personate any Elector or deceased Elector, or if called upon so to do by any Candidate, or the Agent of any Canddiate, require such person to sign his name in a book to be kept for that purpose, and any person signing or writing the name of any such Elector, not being his own name, shall be deemed guilty of forgery, and liable on conviction to be punished accordingly, and any person being so required who, unless unable to write, shall decline or refuse to sign his name shall on conviction forfeit a sum not exceeding Fifty Dollars. Person voting may be required to sign his name. False signature forgery.

69. If any person so required as aforesaid to sign his name in such book as aforesaid shall allege that he is unable to write, the Returning Officer or Deputy Returning Officer shall himself write the name so given by such person in such book as aforesaid, and shall require such person to affix his mark thereto; and any person so affixing his mark to the name of any such Elector not being his own name shall be deemed guilty of forgery, and liable on conviction to be punished accordingly; and any such person being so required to affix his mark as aforesaid who shall decline or refuse so to do shall, on conviction, forfeit a sum not exceeding Fifty Dollars. Provision as to marksmen.

70. If any lands or tenements are transferred or conveyed to any person by any title or instrument whatsoever fraudulently, and for the purpose of giving him the qualification requisite to enable him to be registered as an Elector, and if such person votes at any Election upon such lands or tenements he shall incur a penalty of One Hundred Dollars; and, nevertheless, such transfer or conveyance notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements shall be valid, and shall transfer such lands or tenements out of and from the person who has so transferred or conveyed the same, and shall vest them in the person to whom they have been so transferred or conveyed to all intents and purposes whatsoever; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands or tenements, whether such agreement has been made with the person so transferring or conveying, or with the person to whom such lands or tenements are so transferred or conveyed, or with any person or persons acting for them or on their behalf, shall be null and void to all intents and purposes whatsoever. Penalty for fraudulently conveying lands in order to give a vote; but the conveyance shall be valid, any agreement to the contrary.

71. Every Poll Clerk shall, immediately after the closing of the poll at which he has acted as such, make and subscribe, either before a Justice of the Peace for the District in which he resides, or before the said Deputy Returning Officer, or the Returning Officer himself the following oath:— Oath to be made by Poll Clerk at close of Poll.

"I, the undersigned Poll Clerk for , do solemnly swear [*or if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm*] that the Poll Book kept by me under the direction of the Form of Oath.

the Returning Officer, [*or of A. B., who has acted as Deputy Returning Officer therein*] has been so kept by me, under his direction as aforesaid, correctly, and to the best of my skill and judgment; and that the total number of Voters polled in such Poll Book is the number of , whereof C. D., a Candidate, has polled votes, E. F., a Candidate, has polled votes, (and so on as the case may be); and that to the best of my knowledge and belief it contains a true and exact record of the votes given as the said votes were taken at the said Poll by the said Returning Officer or Deputy Returning Officer.

"Signature, J. J.,
"Poll Clerk.

"Sworn [*or affirmed*] and subscribed before me at this day of the month of in the year

"Signature, X. Y.,
"Justice of the Peace,
"or, T. V.,
"Returning Officer,
"or, A. B.,
"Deputy Returning Officer."

To be annexed to Poll Book.

Which oath shall thereafter be annexed to the said Poll Book.

Deputy Returning Officer to make declaration.

72. Each Deputy Returning Officer shall, before returning the Poll Book to the Returning Officer, make and subscribe a Declaration, in the presence of at least two Electors, which Declaration shall be in the following form :—

Form.

"I, the undersigned, Deputy Returning Officer [*or one of the Deputy Returning Officers, as the case may be*] for of do hereby declare that to the best of my knowledge and belief the Poll Book [*or Poll Books*] kept at this polling place under my direction, hath been so kept correctly, and that the total number of votes polled in such Poll Book [*or Poll Books*] is the number of , whereof C. D., a Candidate, has polled votes, E. F., a Candidate, has polled votes [*and so on as the case may be*], and that to the best of my knowledge and belief it contains [*or they contain*] a true and correct record of the votes given at this polling place, as the said votes were taken.

"Signature, A. B.,
"Deputy Returning Officer.

"Declared at , the day of the month of , in the year.

"Signature, S. M.,
"Deputy Returning Officer.

"Witnesses:
"O. P.,
"Q. R."

To be annexed to Poll Book.

And such Declaration shall thereafter be annexed to the said Poll Book, and the Deputy Returning Officer shall then immediately return the Poll Book to the Returning Officer.

Penalties for neglect, &c.

73. Any Deputy Returning Officer or Poll Clerk who refuses or neglects to perform such obligations or formalities as lastly hereinbefore mentioned, shall for each such refusal or neglect incur the penalty hereinafter mentioned, that is to say, any Deputy Returning Officer a penalty of One Hundred Dollars, and any Poll Clerk a penalty of Fifty Dollars.

Poll Book to be delivered by Deputy in person to Returning Officer in person unless in case of sickness, &c.

Penalty for neglect.

74. The Deputy Returning Officer shall deliver the said Poll Book, personally, to the Returning Officer, and if he is unable to do so by sickness, or otherwise, he shall deliver such Poll Book, under a sealed cover, to a person chosen by him, and shall mention on the outside of such cover, the name of the person to whom it has been delivered under a sealed cover, to be so transmitted, and shall take a proper receipt therefor; and any Deputy Returning Officer failing therein, and any person having taken charge of the Poll Book, and failing to deliver the same so covered and sealed in the same state in which he received it, in due time and manner, shall be guilty of a misdemeanor, and shall incur a penalty not exceeding Fifty Dollars, or be imprisoned for a term of not more than one year, or be punished by imprisonment and fine together.

Proceedings in case of riot, violence, &c.

75. Where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of Candidates or of the taking the poll, the Presiding, Returning, or Deputy Returning Officer or Poll Clerk shall not for such cause terminate the business of such nomination, or finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place at which such interruption or obstruction shall have happened to the following day; and if necessary shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the Returning Officer or Deputy Returning Officer shall again proceed with the business of the

the nomination, or with the taking of the poll, as the case may be, at the place at which the same may respectively have been interrupted or obstructed; and the day on which the business of the nomination shall be concluded, shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall, if practicable, be put off for an equal number of days for which any such nomination may have been adjourned; and any day whereto the poll shall have been so put off or adjourned, shall as to such place or places be reckoned the day of polling at such Election within the meaning of this Act. Provided that no adjournment shall be made to any day beyond that named as the return day in the Writ, and if the Election shall not have been completed by that day, the Returning Officer shall specially return that fact; and where any such poll shall have been adjourned by the Deputy of any Returning Officer, he shall forthwith give notice of such adjournment to the Returning Officer, who shall not finally declare the state of the poll or the name or names of the Member or Members chosen, until the poll so adjourned as aforesaid shall have been finally closed.

Proceedings on the day appointed for closing the Election.

76. Within seven days after the day of polling, on a day and hour to be appointed by the Returning Officer, he shall proceed to the same place at which the nomination was held, first giving public notice thereof at the close of the poll on the polling day, by openly proclaiming such day and hour, and he shall then and there proceed to ascertain the state of the general poll at the Election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the Election in all the polling places in such Electoral District for which the Election has been had, and as soon as he has so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a Member or Members to represent such Electoral District in the Legislature, the person or persons having the greatest number of the votes so counted and added up; but the Returning Officer shall not in any case proclaim any such person or persons duly elected, unless all the Poll Books have been returned to him by all his Deputy Returning Officers; and in the event of the number of votes being found to have been equal for any two or more Candidates, one or more of whom, but not all of such Candidates being by the state of the poll and the number of Members to be elected entitled to be declared elected, such Returning Officer shall, by a casting vote or votes, as the case may be, and whether he be an Elector for such District or Division, or not, decide which of the Candidates for whom the votes may be equal shall be elected. Provided, that no Returning Officer shall vote at any Election for the Electoral District or Division of which he is the Returning Officer, except in the case of an equality of votes as aforesaid.

Counting the Votes.

Proclamation of person elected.

If Votes equal, Returning Officer to have Casting Vote.

Proceedings to be adjourned if Poll Books not returned.

77. If it happens that one or more of the Poll Books have not been returned by the Deputy Returning Officer or Officers, and it is consequently impossible for the Returning Officer to ascertain the total number of votes as required by the next preceding Section, then such Returning Officer, instead of proceeding to examine the Poll Books which have been previously returned to him, shall again adjourn the proceedings of the Election to the following day, and so from day to day, until all the said Poll Books have been returned to him.

Reason of adjournment to be proclaimed.

78. In proclaiming such adjournment, he shall publicly assign the reason thereof, and shall in no case continue the said adjournment to so late a day as to prevent his returning the Writ of Election on the day appointed for that purpose; and he shall in no case adjourn such proceedings to a Sunday, or to any of the holidays hereinbefore mentioned; but if the case occurs, he shall adjourn the proceedings to the day next after such Sunday or holiday.

Proceedings in case any Poll Book is stolen, lost, or destroyed.

79. In case any Poll Book is stolen, or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy Returning Officer, to whom the custody of such Poll Book for the time being belonged, at any time before he has made his Return of the same to the Returning Officer, such Deputy Returning Officer shall attend personally on the Returning Officer, and report to him the fact of such loss of the said Poll Book, and the Poll Clerk of such Deputy Returning Officer, so soon as he is informed of such loss personally, or by letter, either by or from such Deputy Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on such Returning Officer.

Examination of Deputy Returning Officer and Poll Clerk.

80. The Returning Officer shall examine such Deputy Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to such loss of the said Poll Book and the contents thereof, which examination shall be taken down by him in writing, and be subscribed by such Deputy Returning Officer and Poll Clerk, and annexed to the Return in lieu of such Poll Book; and the number of votes which the said Returning Officer shall by this means find in each

such Poll Book for each Candidate at such Election, shall be included in his summing up of the votes of such Election, as if the same had been taken from such Poll Book.

Punishment of Deputy Returning Officer or Poll Clerk refusing to attend or be sworn.

81. If either the Deputy Returning Officer or the Poll Clerk omits to attend on such Returning Officer as hereby required, or refuses to be sworn or affirmed by such Returning Officer as aforesaid, he shall be subject to a penalty of Two Hundred Dollars; and in the case of such refusal to be sworn or affirmed as aforesaid, shall and may be committed by the said Returning Officer to the common gaol, until thence discharged by an order in that behalf made by the Legislative Council.

Duty of Returning Officer believing any Election documents to be altered, &c.

82. When the Returning Officer, having received any Poll Book or any document connected with the Election, has reason to believe that the same has been altered, injured, or obliterated, or that additions have been made thereto, he shall adjourn the proceedings and establish the true facts in the manner above provided in the case of the loss of any Poll Book.

Returning Officer to certify names of persons elected.

83. As soon as the state of the poll is proclaimed (or if no poll is demanded on the nomination day) at the close of the proceedings, the Returning Officer shall make out a Certificate, under his hand and seal, naming the person or persons elected as Member or Members as aforesaid, which Certificate shall be appended to the Writ of Election, and shall be returned with the Writ to the Office of the Registrar of the Supreme Court; but no person shall be named in such Certificate who has been publicly required in manner aforesaid to make a Declaration of his qualification prior to the proclamation of the state of the poll, and has declined or refused or omitted so to do.

Form of Certificate.

84. The Certificate shall be as follows:—

"I do hereby certify, that in obedience to the annexed Writ of Election to me directed, I have caused an Election to take place within the Electoral District of , and that the Electors of the said District have chosen to represent the said District in the Legislative Council.

"Dated, this day of 18 .

"(Signature) A. B.,
"Returning Officer,
"Electoral District of ."

{ L.S. }

Returning Officer to furnish Candidate with a Certificate of his Election.

Form.

85. The Returning Officer (if required so to do) shall also give to each Candidate so elected, a Certificate in the following form:—

"I do hereby certify that, in obedience to the Writ of Election to me directed, I have caused an Election to take place within the Electoral District of , and that the Electors of the said District have chosen you to represent the said District as a Member [*or one of the Members*] for the said District in the Legislative Council.

"Dated, this day of 18 .

"(Signature) A. B.,
"Returning Officer.

"*To* ."

Returning Officer to have copies of Poll Books made, and deposit same with Registrar of Voters,

To be open to inspection.

Fee.

86. Each Returning Officer shall make, or cause to be made, exact copies of all the Poll Books as well those kept under his own superintendence as those returned to him by his several Deputies, and within ten days after the closing of the Election shall deposit such copies, duly certified by him, in the Office of the Registrar of Voters of the District; and the said Registrar shall allow inspection thereof to any person who may demand the same, on payment of a fee of One Dollar, and shall allow such person to take a copy of the same at his own expense.

Original Poll Books and Writ to be returned to Registrar of Supreme Court.

Their effect as evidence.

87. The Returning Officer shall also then transmit the originals of the said Poll Books with the Writ of Election, and his return thereupon, to the Registrar of the Supreme Court immediately after the closing of the Election, and the said original Poll Books with the Declarations, Affidavits, and Certificates hereinbefore required, shall in all cases be *prima facie* evidence of the truth of the allegations therein contained.

Also copies of Register of Voters used at Elections.

88. The Returning Officer shall forward to the Registrar of the Supreme Court with his return to the Writ of Election, copies of the Register of Voters used at that Election duly certified as such by him.

Delay or technical objections not to invalidate proceedings.

89. No Election shall be held to be void in consequence of their being no Returning Officer at the time of the issue of the Writ of Election, or in consequence of any delay in the holding of the Election at the time appointed, or in taking the poll, or in the return of the Writ, such delay not extending beyond the day named for the return of the Writ, or in consequence of any impediments of a technical or formal nature; and it shall be lawful for the Governor in Council to cause to be adopted

adopted such measures as may be necessary for removing any obstacle or the doing of or the omission to do any act of a technical or formal nature, by which, or the want of which, the due course of any Election may be impeded. Provided that the measures so taken as aforesaid shall be forthwith declared by the Governor, by a Proclamation to be for that purpose published in the *Government Gazette.*

Returning Officer and his Deputies to be Conservators of the Peace during a certain time.

90. From the time when any Returning Officer has received the Writ of Election, or Deputy Returning Officer has taken and subscribed the oath of office as such, until the day next after the final closing of such Election, such Returning Officer or Deputy Returning Officer respectively shall be a Conservator of the Peace and invested, for the maintenance of the Peace, for the arrest, detention, or admission to bail, trial, and conviction of any person or persons who break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Colony.

They may require the aid of Justices of the Peace, Constables, &c., and swear in Special Constables.

91. And for the maintenance of peace and of good order at such Election each Returning Officer or Deputy Returning Officer respectively may require the assistance of all Justices of the Peace, Constables, and other persons present at the Election, whether at the hustings or at any polling place, to aid him in so doing, and may also swear in so many Special Constables as he deems necessary. Provided, that no Special Constable so sworn in as aforesaid shall be debarred from voting at such Election.

May arrest disturbers, or order them to be arrested for a certain time.

92. And each such Returning Officer or Deputy Returning Officer respectively may arrest, or cause to be arrested by verbal order, and may place in the custody of one or more Constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, until any period not later than the final closing of the Election or of the poll respectively, which order, whether given verbally or in writing, all persons shall obey without delay, under a penalty for any refusal or neglect so to do of Twenty-five Dollars.

Such detention not to prevent other punishment.

93. No such arrest, detention, or imprisonment shall in any manner exempt the person so arrested, detained, confined, or imprisoned from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act or otherwise.

Special Constables to be sworn in certain cases.

94. On a requisition in writing made by any Candidate, or by his Agent, or by any two or more Electors, any Returning Officer or Deputy Returning Officer shall swear in such Special Constables.

Returning Officer or his Deputy may demand the surrender of all arms.

95. Any Returning Officer or Deputy Returning Officer may, during any part of the days whereon any such Election is to be begun, holden, or proceeded with, demand and receive from any person whomsoever any offensive weapon such as firearms, swords, staves, bludgeons, or the like, with which any such person is armed, or which any such person has in his hands or personal possession.

Penalty for refusing to surrender the same.

96. Every such person who, upon such demand, declines or refuses to deliver up to such Returning Officer or Deputy Returning Officer any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding Fifty Dollars, or imprisonment not exceeding Six Calendar Months, or by both, in the discretion of the Court whose duty it is to pass the sentence of the law upon such person upon his conviction.

Certain batteries during Election time to be deemed aggravated assaults.

97. Every person convicted of a battery committed during any part of the days whereon any such Election is to be begun, holden, or proceeded with, or on which any poll for such Election is to be begun, holden, or proceeded with, within the distance of two miles of the place where such Election or such poll is to be begun, holden, or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

With certain exceptions, no stranger shall come armed into any District while the poll is open therein.

98. Except the Returning Officer for such Election, the Deputy Returning Officers, or Constables or Special Constables appointed by such Returning Officer or his Deputy, for the orderly conduct of such Election or Poll, and the preservation of the public peace thereat, no person who hath not had a stated residence in such District for at least Three Months next before the day of such Election shall come, during any part of the day upon which such poll is to remain open, into such District, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like; nor shall any person whomsoever being in such District arm himself during any part of such day with any such offensive weapons, and thus armed approach within the distance of two miles of the place where the poll for such District or Division is held, unless called upon to do so by lawful authority.

Persons stealing or unlawfully taking or

99. If any person steals or unlawfully or maliciously, either by violence or stealth, takes from any Returning Officer, Deputy Returning Officer, or Poll Clerk, or from any other

falsifying documents relating to Elections &c., to be guilty of felony, &c.

other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures, or obliterates, or causes to be wilfully or maliciously destroyed, injured, or obliterated, or makes, or causes to be made, any erasure, addition of names, or interlineation of names in, to, or upon, or aids, counsels, or assists in so stealing, taking, destroying, injuring, or obliterating, or in making any erasure, addition of names, or interlineation of names, in, to, or upon any Register of Voters, or any Writ of Election, or any Return to a Writ of Election, or any Poll Book, Certificate, or Affidavit, or any other document or paper made, prepared, or drawn out according to or for the purpose of meeting the requirements of this Act, or any of them,—every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned with or without hard labour, for any term not exceeding Two Years, or to suffer such other punishment by fine or imprisonment, or both, as the Court shall award; and it shall not, in any indictment for any such offence, be necessary to allege that the article, in respect of which the offence is committed, is the property of any person, or that the same is of any value.

Punishment.

Certain averments not to be requisite in indictment.

Accessories punishable as principals.

100. Every person who aids, abets, counsels, or procures the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.

How penalties shall be recoverable.

How enforced.

101. All penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's Courts in this Colony having competent jurisdiction, and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by such Court, such offender shall be imprisoned in the Common Gaol until he has paid the amount which he has been condemned to pay, with the costs, or until he is discharged by the order of the Court.

What it shall be sufficient to state in the declaration.

102. It shall be sufficient for the Plaintiff in any action or suit given by this Act, to state in the declaration that the Defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the Defendant had acted contrary to this Act, without mentioning the Writ of Election or the return thereof.

And in any indictment under this Act.

103. It shall be sufficient, in any indictment or information for any offence committed contrary to this Act, to allege the particular offence charged upon the Defendant, and that the Defendant is guilty thereof, without mentioning the Writ of Election, or the Return thereof, or the authority of the Returning Officer founded upon any such Writ of Election.

On the trial, Writ, &c., need not be produced.

104. It shall not be necessary, on the trial of any suit or prosecution under this Act, to produce the Writ of Election, or the return thereof, or the authority of the Returning Officer, founded upon any such Writ of Election, but general evidence of such facts shall be sufficient evidence.

Limitation of suits under this Act.

105. Every action, suit, or information given by this Act, shall be commenced within the space of One Year next after the act committed, and not afterwards.

False swearing perjury.

False declaration misdemeanor.

106. Every person taking any oath or affirmation under this Act, who wilfully swears or affirms falsely shall be guilty of perjury; and every person making a false Declaration, knowing it to be false in any respect, shall be guilty of a misdemeanor.

Governor to authorize Expenses incurred by Registrars.

107. It shall be lawful for the Governor in Council, to authorize the payment of all necessary expenses incurred by the Registrars, in arranging, copying, printing, and publishing Registers, and otherwise in and about any Election.

Any thing directed to be done on Sunday, Good Friday, or Christmas Day, shall be done on the succeeding day.

108. When any matter or thing shall be directed by this Act, or by any Writ issued in pursuance thereof, to be performed on a certain day, and that day shall happen to be Sunday, Good Friday, or Christmas Day, such matter or thing shall be performed on the next succeeding day, not being Sunday, Good Friday, or Christmas Day.

Copy of Act to be sent to Returning Officer and Deputies with Writ.

109. One copy of this Act for the Returning Officer, and one for each of his Deputies, shall be transmitted with the Writ of Election to each and every Returning Officer throughout the Colony.

Governor to fix fees to be paid to Returning Officer, &c.

110. The Governor in Council shall fix the amount of fees and allowances from time to time to be paid to the Returning Officers, Election Clerks, Deputy Returning Officers, and Poll Clerks, and the amounts to be paid to any Special Constables whose services may be required under the provisions of this Act.

111. Each

111. Each Returning Officer shall immediately after the close of any Election make up an account of all such fees and allowances, and of any necessary disbursements, which he or any of his subordinates may have made in respect of such Election, and the amount of such account, after the same has been approved by the Governor in Council, shall be paid over to the Returning Officer by warrant of the Governor, directed to the proper Officer of the Treasury, and shall be distributed by such Returning Officer to the several Officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor, and account for the same as the Governor may direct. Returning Officer to make up account of fees, disbursements, &c., which shall be paid to him.

112. This Act shall come into operation immediately upon its being passed, but shall not apply to any Election of a Member of the Legislative Council until the Register of Voters, under the "Qualification and Registration of Voters' Act, 1871," is completed and delivered to the Returning Officer, as in the said Act is provided in that behalf, and until such Register of Voters is so completed and delivered as aforesaid, the proceedings at Elections of Members of the Legislature shall be the same as if this Act had never been passed. Act when to come into operation.

113. This Act shall be taken to apply to "The Constitution Act, 1871", passed in the present Session, if and when the same comes into operation in this Colony as fully and effectually to all intents and purposes as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if this Act had related to the proceedings at Elections of Members for the Legislative Assembly thereby constituted so far as the provisions contained in this Act are not absolutely repugnant to the provisions of "The Constitution Act, 1871." Act how to be construed.

114. In this Act, and in "The Qualification and Registration of Voters' Act, 1871," the term "Governor" shall mean the Officer for the time being administering the Government of this Colony. Interpretation of terms.

115. This Act may be cited as 'The Election Regulation Act, 1871." Short Title.

Passed the Legislative Council the 10*th day of March, A. D.* 1871.

CHARLES GOOD, *Clerk of the Council.*

PHILIP J. HANKIN, *Speaker.*

Assented to, in Her Majesty's name, this 22*nd day of March,* 1871.

A. MUSGRAVE, *Governor.*

VICTORIA, B. C.:
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1871.